

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

**CHAPTER 13 PLAN**

In re:

**Aida E Tosca**

Dated: March 8, 2011

DEBTOR

Case No. BKY 10-49286

*In a joint case,  
debtor means debtors in this plan.*

**1. DEBTOR'S PAYMENTS TO THE TRUSTEE —**

- a. As of the date of this plan, the debtor has paid the trustee \$ 0.00 .
- b. After the date of this plan, the debtor will pay the trustee \$ 355.00 per Month for 60 months, beginning within 30 days after the order for relief for a total of \$ 21,300.00 . The minimum plan payment length is 36 or X 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- c. The debtor will also pay the trustee \_\_\_\_\_
- d. The debtor will pay the trustee a total of \$ 21,300.00 [line 1(a) + line 1(b) + line 1(c)].

- 2. PAYMENTS BY TRUSTEE —** The trustee will pay from available funds only creditors for which proof of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ 2,130.00 , [line 1(d) x .10].

- 3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] —** The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

Creditor	Monthly Payment	Number of Months	Total Payments
<b>-NONE-</b>	\$ _____	_____	\$ _____
<b>a. TOTAL</b>			<b>\$ <u>0.00</u></b>

- 4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] —** The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

Creditor	Description of Property
<b>-NONE-</b>	_____

- 5. CLAIMS NOT IN DEFAULT —** Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

Creditor	Description of Property
<b>-NONE-</b>	_____

- 6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] —** The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
<b>a. AFFINITY PLUS FCU</b>	\$ <u>450.00</u>	\$ <u>13.24</u>	<u>8</u>	<u>34</u>	\$ <u>450.00</u>
<b>b. US BANK HOME MTG</b>	\$ <u>11,230.70</u>	\$ <u>233.23/320.00</u>	<u>8 / 42</u>	<u>34 / 12</u>	\$ <u>11,230.70</u>
<b>c. TOTAL</b>					<b>\$ <u>11,680.70</u></b>

- 7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] —** The trustee will cure defaults on the following claims as set forth below. The debtor will pay for the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

Creditor	Amount of Default	Int. rate (if applicable)	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
<b>a. PARKWAY TOWNHOUSE ASSN</b>	\$ <u>2,033.00</u>	<u>10</u>	\$ <u>73.54</u>	<u>8</u>	<u>34</u>	\$ <u>2,500.40</u>
<b>b. TOTAL</b>						<b>\$ <u>2,500.40</u></b>

8. **OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)]** — The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beg. in Mo. #	(Monthly Pmnts) x	(No. of Pmnts)	=	Pmnts on Account of Claim	+	(Adq. Prot. from ¶ 3)	=	TOTAL PAYMENTS
a.												
b. TOTAL											\$	0.00

9. **PRIORITY CLAIMS** — The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor		Estimated Claim		Monthly Payment	Beginning in Month #	Number of Payments		TOTAL PAYMENTS
a. Attorney Fees	\$	2,274.00	\$	284.25	1	8	\$	2,274.00
b. INTERNAL REVENUE SVC	\$	1,181.35	\$	Pro rata	54	7	\$	
c. IRS (1305(a)(1))*	\$	Unknown	\$	Pro rata				1,181.35
d. MN DEPT OF REVENUE	\$	813.39	\$	Pro rata	54	7	\$	813.39
e. TOTAL								

(The trustee shall pay all post-petition taxes obligations owing the IRS for tax year 2010 pursuant to 11 USC 1305(a)(1))\$

4,268.74

10. **SEPARATE CLASSES OF UNSECURED CREDITORS** — In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows: **-NONE-**. The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Interest Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
-NONE-						\$
a. TOTAL						\$ 0.00

11. **TIMELY FILED UNSECURED CREDITORS** — The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ **720.160** [line 1(d) minus lines 2, 6(c), 7(a), 8(a), 9(d) and 10(a)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ **0.00**.
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ **28,771.00**.
- c. Total estimated unsecured claims are \$ **28,771.00** [line 11(a) + line 11(b)].

12. **TARDILY-FILED UNSECURED CREDITORS** — All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10 or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

13. **OTHER PROVISIONS** —

14. **SUMMARY OF PAYMENTS** —

Trustee's Fee [Line 2]	\$	2,130.00
Home Mortgage Defaults [Line 6(c)]	\$	11,680.70
Claims in Default [Line 7(a)]	\$	2,500.40
Other Secured Claims [Line 8(b)]	\$	0.00
Priority Claims [Line 9(d)]	\$	4,268.74
Separate Classes [Line 10(a)]	\$	0.00
Unsecured Creditors [Line 11]	\$	720.16
<b>TOTAL [must equal Line 1(d)]</b>	\$	<b>21,300.00</b>

*Insert Name, Address, Telephone and License Number of Debtor's Attorney:*

**Richard J Pearson 130308**  
**Prescott & Pearson, P.A.**  
**Po Box 120088**  
**New Brighton, MN 55112-0088**  
**(651) 633-2757**  
**130308**

Signed **/s/ Aida E Tosca**  
**Aida E Tosca**  
DEBTOR

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:  
AIDA E TOSCA

BKY No. 10-49286  
Chapter 13

Debtor(s)

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**NOTICE OF HEARING TO APPROVE MODIFIED PLAN**

TO: The debtor(s); US Trustee; Chapter 13 Trustee; and creditors and parties in interest.

1. The debtor(s), by the undersigned attorney, moves the court for approval of the modified plan dated March 8, 2011.
2. The court will hold a hearing on this motion at 10:30 a.m. on April 21, 2011 in Courtroom No. 8W, U.S. Bankruptcy Court, U.S. Courthouse, 300 S. Fourth St., Minneapolis, MN 55415.
3. Any objection to this modified plan must be filed and served by delivery not later than April 15, 2011 which is 5 days before the time set for the hearing including Saturdays, Sundays and holidays. **UNLESS AN OBJECTION TO THE PLAN IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**
4. The court has jurisdiction over this motion pursuant to 28 U.S.C. Sec 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. The petition commencing this Chapter 13 case was filed on December 17, 2010. This case is now pending in this court.
5. The plan is being modified to correct the amount paid to US Bank Home Mortgage for pre-petition arrears.

Dated: March 8, 2011

**PRESCOTT & PEARSON, P.A.**

/e/ Richard J. Pearson


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Jack L. Prescott #88079  
Richard J. Pearson #130308  
Attorneys for Debtor  
443 Old Highway 8 NW #208  
New Brighton, MN 55112  
Telephone: (651) 633-2757

## VERIFICATION

Aida E. Tosca, the Debtor(s) named in the Motion, declare(s) under penalty of perjury that the information therein contained is correct to the best of our knowledge, information and belief.

Dated: March 8, 2011

Signed:   
Aida E. Tosca, Debtor

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

AIDA E TOSCA

BKY No. 10-49286

Chapter 13

Debtor(s)

**UNSWORN DECLARATION  
OF SERVICE**

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Lindy Voss, an employee at Prescott & Pearson, P.A., a law firm licensed to practice law in this court, with offices at 443 Eighth Avenue Northwest, New Brighton, Minnesota 55112, declares under penalty of perjury that on March 8, 2011, I mailed the annexed NOTICE OF HEARING TO APPROVE MODIFIED PLAN and MODIFIED CHAPTER 13 PLAN by first class mail postage prepaid to each entity named below at the address stated for each entity:

SEE ATTACHED SERVICE LIST

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and delivered to each entity below by way of electronic transmission by the United States Bankruptcy Court:

U.S. Trustee

Jasmine Z. Keller, Chapter 13 Trustee

Executed on: March 8, 2011

/s/ Lindy Voss

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Lindy Voss

AIDA E TOSCA  
445 96th LANE NE  
BLAINE MN 55434

INTERNAL REVENUE SVC  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

WILFORD & GESKE  
SEASONS OFFICE BLDG  
8425 SEASONS PKWY #105  
WOODBURY MN 55125

HSBC BANK NV  
BASS & ASSOCIATES PC  
3936 E FT LOWELL RD STE 200  
TUCSON AZ 85712

INTERNAL REVENUE SVC  
30 E 7TH ST  
STE 1222 STOP 5700  
ST PAUL MN 55101

WELLS FARGO FINANCIAL MN  
ATTN MAC S4015-01T  
PO BOX 29706  
PHOENIX AZ 85038-9706

US BANK  
WILFORD & GESKE  
CO JAMES GESKE  
8425 SEASONS PKWY STE 105  
WOODBURY MN 55125

JC PENNEY GEMB  
PO BOX 960001  
ORLANDO FL 32896-0001

US BANK HOME MTG  
4801 FREDERICA ST  
OWENSBORO KY 42301

AFFINITY PLUS FCU  
175 W LAFAYETTE RD  
ST PAUL MN 55107

JOSEPH AND SUSAN VASS  
2018 KENWOOD DR W  
ST PAUL MN 55117

VERIZON WIRELESS  
BKY GROUP  
PO BOX 3397  
BLOOMINGTON IL 61702

AMERICAN EXPRESS  
PO BOX 0001  
LOS ANGELES CA 90096-0001

MN DEPT OF REVENUE  
551 BKY SECTION CEU DEPT  
PO BOX 64447  
ST PAUL MN 55164

WALMART GEMB  
PO BOX 530927  
ATLANTA GA 30353-0927

B-LINE LLC  
MS 550  
PO BOX 91121  
SEATTLE WA 98111-9221

NYFD  
CO NCO INOVISION MED  
507 PRUDENTIAL RD  
HORSHAM PA 19044

WEST ASSET MGMT  
PO BOX 105698  
ATNALTA GA 30048

DISCOVER CARD  
COLLECTIONS DEPT  
PO BOX 8003  
HILLIARD OH 43026

PARKWAY TOWNHOUSE ASSN  
2520 COON RAPIDS BLVD STE 100  
COON RAPIDS MN 55433

FM/MINNESOTA  
1450 ENERGY PARK DR STE 350  
ST PAUL MN 55108

PINNACLE FINANCIAL  
7825 WASHINGTON AVE S  
STE 310  
EDINA MN 55439-2409

GE MONEY BANK  
CO B-LINE LLC  
MS 550  
PO BOX 91121  
SEATTLE WA 98111-9221

QUANTUM3 GROUP LLC  
PO BOX 788  
KIRKLAND WA 98083-0788

HERBERGERS  
RETAIL SERVICES  
DEPT 7680  
CAROL STREAM IL 60116-7680

US BANK  
4801 FREDERICA ST  
OWENSBORO KY 42301

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

**Aida E Tosca**

Debtor(s).

**SIGNATURE DECLARATION**

Case No. 10-49286

- ☐ PETITION, SCHEDULES & STATEMENTS  
☐ CHAPTER 13 PLAN  
☐ SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION  
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS  
☒ MODIFIED CHAPTER 13 PLAN  
☐ OTHER (Please describe: \_\_\_\_\_)

I [We], the undersigned debtor(s) or authorized representative of the debtor, ***make the following declarations under penalty of perjury:***

- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- **[individual debtors only]** If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date: March 8, 2011

X

*Aida E Tosca*  
Signature of Debtor or Authorized Representative

X

\_\_\_\_\_  
Signature of Joint Debtor

**Aida E Tosca**

Printed Name of Debtor or Authorized Representative

\_\_\_\_\_  
Printed Name of Joint Debtor

Form ERS 1 (Rev. 10/03)